

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Jayson D. Wilmot,

Plaintiff,

v.

Case No. 1:20cv027

Butler County Jail, *et al.*,

Judge Michael R. Barrett

Defendants.

ORDER

This matter is before the Court on the Report and Recommendation (“R&R”) filed by the Magistrate Judge on March 12, 2020 (Doc. 8).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the R&R in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge’s R&R (Doc. 8) have been filed.

That said, a review of the docket reveals that the notice sent to plaintiff was returned to the Clerk of Court because, as discussed by the Magistrate Judge in her R&R, plaintiff clearly has failed to apprise the Court of his change of address. (See Doc. 9 (Return to Sender/Attempted – Not Known/Unable to Forward)). The R&R was mailed to plaintiff at the last known address he provided to the Court; hence, it was properly served, and a failure to object to it waives any right to appellate review. *Theede v. United States Dep’t of Labor*, 172 F.3d 1262, 1265–68 (10th Cir. 1999); see *McDougald v. Bear*, No. 1:17cv124, 2017 WL 2225615, at *1 (S.D. Ohio May 22, 2017).

Accordingly, it is **ORDERED** that the R&R (Doc. 8) of the Magistrate Judge is

hereby **ADOPTED**. Consistent with the recommendation by the Magistrate Judge, plaintiff's complaint is **DISMISSED with prejudice** for lack of prosecution and for failure to obey a Court order.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that for the reasons expressed here and in the Magistrate Judge's R&R (Doc .8), an appeal of this Order would not be taken in good faith. See *McGore v. Wigglesworth*, 114 F.3d 601, 610–11 (6th Cir. 1997).

IT IS SO ORDERED.

/s/ Michael R. Barrett
Michael R. Barrett, Judge
United States District Court